

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
TIMOTHY J. SULLIVAN
UNITED STATES MAGISTRATE JUDGE

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May 1, 2019

LETTER TO COUNSEL:

Re: *DISH Network, L.L.C. v. Dima Furniture Inc., et al.*
Civil Case No. TDC-17-3817

Dear Counsel:

On March 21, 2019, this case was referred to me (ECF No. 38) for a report and recommendation on Plaintiff's motion for default judgment (ECF No. 35). By this Order, I direct Plaintiff to supplement the motion as directed below. Plaintiff's supplement should be filed on or before **May 15, 2019**.

Rule 65(d) provides that injunctions bind only the parties, the parties' agents, and "other persons who are in active concert or participation" with the parties or their agents. DISH requests that the Court enter an injunction that is binding upon certain nonparties, including OVH SAS, OVH GmbH, VeriSign, Inc., GoDaddy.com LLC, Name.com, Inc., and Facebook, Inc. (collectively, the "nonparties"). It appears that at least some of the nonparties received notice of DISH's motion and its request for the entry of an injunction that will bind them. To clarify the record, DISH is instructed to state which of the nonparties have received notice of DISH's motion, and whether any of the nonparties have notified DISH of any objections.

In addition, DISH cites to numerous cases in which courts have entered injunctions binding on nonparties that were similarly situated to the nonparties in this case. Most of the cases that DISH relies on do not explain why the nonparties were found to be "in active concert or participation" with the respective infringing parties. DISH is directed to submit a brief argument regarding why it believes the nonparties in this case are "in active concert or participation" with any of the defendants, such that those nonparties may be bound by an injunction under Rule 65(d).

Despite the informal nature of this letter, it is an Order of the Court and shall be docketed accordingly.

Sincerely yours,

/s/
Timothy J. Sullivan
United States Magistrate Judge